



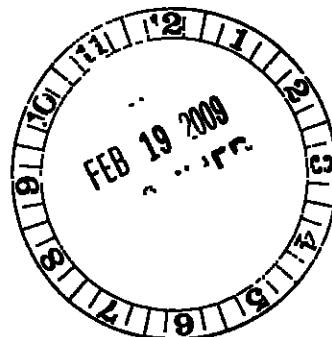
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**FILED**  
FEB 19 2009  
SURFACE  
TRANSPORTATION BOARD

**James R. Paschall**  
**Senior General Attorney**

(757) 629-2759

224'555  
February 18, 2009



**VIA UPS NEXT DAY AIR**

Ms Anne K. Quinlan, Acting Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, D C 20024

Re STB Docket No AB-290 (Sub No 300X), Norfolk Southern Railway  
Company – Abandonment - In Wise County, Virginia–  
Notice of Exemption

Dear Ms Quinlan

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption Also enclosed is a check in the amount of \$3,700 00 to cover the filing fee

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the enclosed, self-addressed, stamped envelope

Yours very truly,

James R Paschall

JRP/kch  
Enclosures

**FEE RECEIVED**  
FEB 19 2009  
SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of the  
FEB 18 2009  
Per J  
Public Room

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-290 (SUB-NO. 300X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT--

IN WISE COUNTY, VIRGINIA

**VERIFIED NOTICE OF EXEMPTION**

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U S C §§ 10903, pursuant to the provisions of 49 U S C § 10502 and 49 CFR § 1152 50, for abandonment of its line of railroad lying between mileposts CV 277 30 (Big Stone Gap) and CV 279 11 (Appalachia) in Wise County, Virginia (the "Line")

Pursuant to the Board's regulations codified at 49 CFR § 1152 50, NSR states as follows

Traffic Certification - §§ 1152 50(b) and (d)(2)

As the attached certificate of General Manager G R Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U S District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period

**Consummation Date - § 1152 50(d)(2)**

The effective date of the abandonment of the Line between mileposts CV 277.30 (Big Stone Gap) and CV 279.11 (Appalachia) in Wise County, Virginia, will be April 10, 2009

**General Corporate Information - § 1152 22(a)(1-2) and (7)**

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U S C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is

James R Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759

**Description of the Line and the Relief Sought - § 1152 22(a)(3-4 and 7)**

The relief sought is an exemption from the prior approval requirements of 49 U S C §10903 in order for NSR to abandon the subject Line The Line that will be subject to abandonment under the exemption consists of 1.81 miles of track between mileposts CV 277.30 (Big Stone Gap) and CV 279.11 (Appalachia) in Wise County, Virginia A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice The Line traverses United States Postal Service ZIP Codes 24216 and 24219

**Suitability of the Line for Other Public Purposes - § 1152 22(e)(4)**

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes

**Labor Protection - § 1152 50(d)(2)**

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

**Environmental and Historic Reports; Certifications - § 1105 7 and § 1105 8**

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105 7, § 1105 8 and § 1105 11 have been met.

**Service and Newspaper Notice Requirements Certification - § 1152 50(d)(1-2)**

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152 50(d)(1)(certain government agencies) and § 1105 12 (newspaper notice)

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U S C §§ 10903 pursuant to 49 C F R § 1152 50 and requests that the Board serve the appropriate notice of exemption

Respectfully submitted,



---

John H. Friedmann  
Vice President  
Norfolk Southern Railway Company

Of Counsel

James R. Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated February 18, 2009

VERIFICATION

COMMONWEALTH OF VIRGINIA

SS

CITY OF NORFOLK :

John H Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company, that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No 300X) on behalf of Norfolk Southern Railway Company, that he has carefully examined all of the statements contained in said Notice of Exemption, that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief

  
John H Friedmann

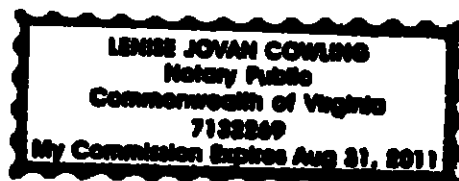
Subscribed and sworn to before me  
this 11<sup>th</sup> day of February, 2009

  
Notary Public

My commission expires

Aug. 31, 2011

[SEAL]



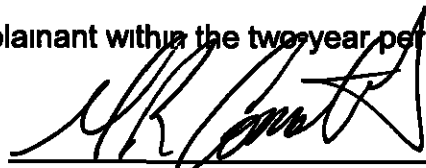
**CERTIFICATION**

STATE OF GEORGIA

SS

CITY OF ATLANTA

G R Comstock makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company, that the line between milepost CV 277.30 (Big Stone Gap) and milepost CV 279 11 (Appalachia) in Wise County, Virginia, which is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines, and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U S District Court or has been decided in favor of the complainant within the two-year period

  
G R Comstock

Subscribed and sworn to before me  
this 15TH day of JANUARY, 2009

  
Notary Public

My commission expires  
NOTARY PUBLIC, HENRY COUNTY, GA  
MY COMMISSION EXPIRES SEPT 29, 2010

### CERTIFICATION

I hereby certify (1), pursuant to § 1105 11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105 7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2), (2), pursuant to § 1105 12, that a notice of intent to abandon rail service was published in *The Post*, Big Stone Gap, Virginia, on January 29, 2009 (see Exhibit 3), and (3) that the notice required by § 1152 50(d)(1) was given (see Exhibit 4)

  
\_\_\_\_\_  
James R Paschall

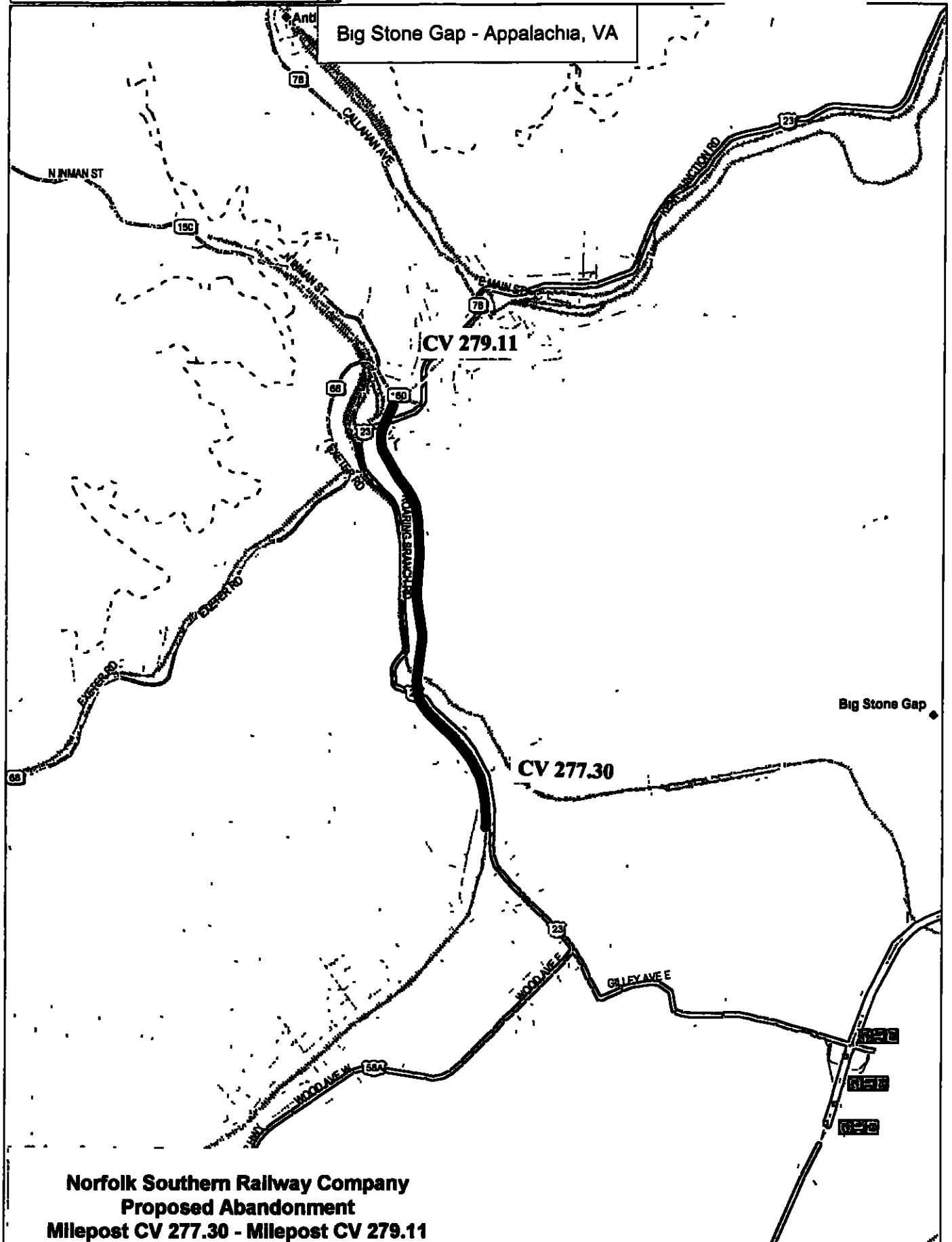
Dated February 18, 2009



## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr Kevin Page, Chief of Rail Transportation, Virginia Department of Rail and Public Transportation, Ms. Judith Williams Jagdmann, Chair, Virginia State Corporation Commission, U. S Department of Agriculture, Chief of the Forest Service, Regional Director, National Park Service, Ms Jan Matthews, Associate Director, U S Department of the Interior-National Park Service, and the United States Department of Defense (SDDCTEA), on February 18, 2009, by first class mail, postage prepaid

  
James R Paschall



## **EXHIBIT 2**

### **ENVIRONMENTAL AND HISTORIC REPORTS**

**NORFOLK SOUTHERN RAILWAY COMPANY  
STB DOCKET NO. AB-290 (Sub-No. 300X)  
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP CV 277.30 and MP CV 279.11,  
IN WISE COUNTY, VIRGINIA**

**ENVIRONMENTAL REPORT**

**September 22, 2008  
Revised December 11, 2008**

.....

**NORFOLK SOUTHERN RAILWAY COMPANY  
THREE COMMERCIAL PLACE  
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**STB DOCKET NO. AB-290 (Sub-No. 300X)**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**49 CFR 1105.7(e)(1) Proposed Action and Alternatives.**

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

**RESPONSE** Norfolk Southern Railway Company (NSR) proposes to abandon 1.81 miles of rail line between railroad milepost CV 277.30 and railroad milepost CV 279.11 in Wise County, Virginia. The line proposed for abandonment has been out of service since 1987.

Following abandonment, the line segment will be salvaged. A local government consortium has expressed an interest in acquiring this line segment for possible interim trail use.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as

**Appendix B.** Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**

**49 CFR 1105.7(e)(2) Transportation system.**

*Describe the effects of the proposed action on regional or local transportation systems and patterns Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action*

**RESPONSE** Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment

**49 CFR 1105.7(e)(3) Land use.**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans Describe any inconsistencies.*

**RESPONSE** The proposed abandonment involves 1.81 miles of rail line located in Wise County, Virginia The land along this line is rural NSR believes impacts to land use by the proposed rail line abandonment will be negligible An outline of future land use plans has been requested from the Wise County Board of Supervisors and from the Mayors of Appalachia and Big Stone Gap These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans

*(ii) Based on consultation with the U S Soil Conservation Service, state the effect of the proposed action on any prime agricultural land*

**RESPONSE** Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service In their response, a copy of which is attached in **Exhibit C**, the USDA-NRCS states that it is unlikely that any prime farmlands are involved.

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9*

**RESPONSE** Not Applicable, as the property is not located in a coastal zone In a letter dated July 25, 2008, a copy of which is attached in **Exhibit C**, the Commonwealth of Virginia, Department of Environmental Quality states that the proposed project is located outside of the coastal zone

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U S C 10906 and explain why*

**RESPONSE** NSR has not been able to determine if it has fee title to the entire right of way underlying the line proposed for abandonment, therefore, NSR may not have a contiguous corridor available for public use A local government consortium has proposed to acquire the line for interim trail use.

#### **49 CFR 1105.7(e)(4) Energy.**

*(i) Describe the effect of the proposed action on transportation of energy resources*

**RESPONSE** Development and transportation of energy resources will not be

affected by the abandonment as no freight or passenger traffic is moving over the line  
The line formerly carried coal when it was last in operation

*(ii) Describe the effect of the proposed action on recyclable commodities.*

**RESPONSE** Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why*

**RESPONSE** The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:  
(A) 1,000 rail carloads a year; or  
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

**RESPONSE** No traffic will be diverted from rail to motor carriage as a result of the proposed action

**49 CFR 1105.7(e)(5) Air.**

*(i) If the proposed action will result in either  
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or  
(B) An increase in rail yard activity of at least 100 percent (measured by carload*



activity), or

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions*

**RESPONSE.** The above thresholds will not be exceeded

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either*

*(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

*(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan*

**RESPONSE** The above thresholds will not be exceeded Wise County, Virginia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U S Environmental Protection Agency

*(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment*

**RESPONSE** Not applicable

#### **49 CFR 1105.7(e)(6) Noise.**

*If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause*

*(i) An incremental increase in noise levels of three decibels Ldn or more, or*

*(ii) An increase to a noise level of 65 decibels Ldn or greater*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences,*

*retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed*

**RESPONSE** The above thresholds will not be exceeded

**49 CFR 1105.7(e)(7) Safety.**

*(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)*

**RESPONSE** Abandonment of the captioned rail line will have no significant effect upon public health or safety There are no grade crossings on the line segment

*(ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials*

**RESPONSE** Not applicable

*(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved*

**RESPONSE** NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas

**49 CFR 1105.7(e)(8) Biological Resources.**

*(i) Based on consultation with the U.S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects*

**RESPONSE.** NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U S Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

***(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.***

**RESPONSE** Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

#### **49 CFR 1105.7(e)(9) Water.**

***(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.***

**RESPONSE:** Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Virginia Department of Environmental Quality and from the Army Corps of Engineers.

*(ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects*

**RESPONSE** The rail line proposed for abandonment crosses the Powell River in two locations, milepost CV 277.90 and milepost CV 279 00 The geometry of the roadbed will not be altered and no in-stream work is contemplated No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment Consultation was requested from the US Army Corps of Engineers

*(iii) State whether permits under section 402 of the Clean Water Act (33 U S C 1342) are required for the proposed action*

**RESPONSE** There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act, however, consultation was requested from the Environmental Protection Agency and from the Virginia Department of Environmental Quality

#### **49 CFR 1105.7(e)(10) Proposed Mitigation.**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate*

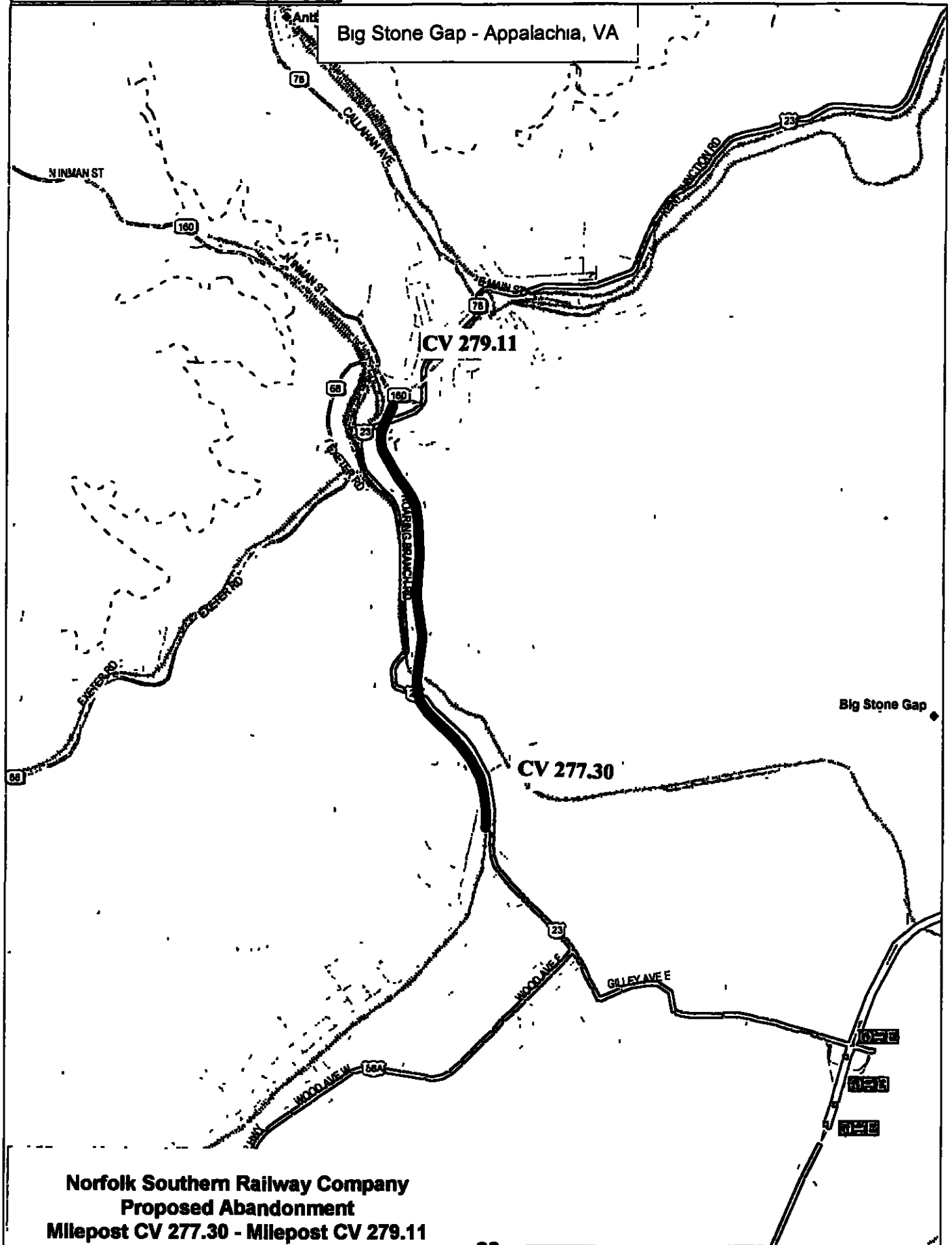
**RESPONSE** Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

**Additional Information - National Geodetic Survey Marker**

Attached in **Appendix C** is a response from the National Geodetic Survey that states that approximately six (6) geodetic survey marks may be located in the area described and if the marks will be disturbed by the abandonment, the railroad shall consult with NGS at least 90 days prior to beginning salvage activities.

# **APPENDIX A**

## **Site Map**



**Norfolk Southern Railway Company**  
**Proposed Abandonment**  
**Milepost CV 277.30 - Milepost CV 279.11**  
**Wise County, Virginia**

## **APPENDIX B**

### **Agency Letters**



## **RECIPIENT LIST**

**Proposed Rail Line Abandonment of the segment of rail line between MP CV 277.30 and MP CV 279.11, a distance of 1.81-miles, located in Wise County, Virginia.**

Mr Robert R Adkins, Chairman  
Wise County Board of Supervisors  
P O Box 7  
Collinsville, VA 24978

USDA-NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229-5014

Mr John Tull  
Mayor of Appalachia  
106 Cold Spring Drive  
Appalachia, VA 23216

Mr David S Welch  
Regional Administrator  
US EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103

Ms Barbara Orndorff  
Mayor of Big Stone Gap  
505 East Fifth Street South  
Big Stone Gap, VA 24219

Mr David K Paylor, Director  
Va Dept of Environmental Quality  
629 East Main Street  
P O Box 1105  
Richmond, VA 23218

Virginia Department of Transportation  
1221 East Broad Street  
Richmond, VA 23219

Virginia Coastal Resources Management  
629 East Main Street  
Sixth Floor  
Richmond, VA 23219

Mr Kevin Page, Director Rail Programs  
Virginia DRPT  
1313 East Main Street, Suite 300  
Richmond, VA 23219

National Park Service  
Northeast Region  
U S Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106

United States Army Corps of Engineers  
Civil Works Office-Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910

US Fish and Wildlife Service  
Region 5  
300 Westgate Center Drive  
Hadley, MA 01035



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

September 22, 2008

RE Docket No AB-290 (Sub-No 300X), Norfolk Southern Railway Company  
Abandonment – in Wise County, Virginia

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost CV 277 30 and Milepost CV 279 11, a distance of 1 81 miles, located in Wise County, Virginia

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts, however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,  
395 E Street, S W , Room 1106  
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at [kathy.headrick@nscorp.com](mailto:kathy.headrick@nscorp.com), or by mail to

Kathy Headrick  
Coordinator-Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

## **APPENDIX C**

### **Agency Responses**

## **Headrick, Kathy, C**

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**From:** Fanning, EJ - Richmond, VA [edward.fanning@va.usda.gov]  
**Sent:** Tuesday, August 19, 2008 1:13 PM  
**To:** Headrick, Kathy, C  
**Subject:** Abandonment-Big Stone Gap, Wise County, Virginia

Dear Ms. Headrick. I have reviewed the materials provided regarding the abandonment of 1.81 miles of rail line between Big Stone Gap and Appalachia in Wise County, Virginia. Although the area soil survey is not complete, it is unlikely that any prime farmlands are involved given the rugged nature of the terrain and steeper slopes than those that characterize prime farmlands. Thank you for providing information on this undertaking.

Sincerely,  
E.J. Fanning  
Environmental Specialist  
USDA-NRCS  
Richmond, VA  
804-287-1636



# **COMMONWEALTH of VIRGINIA**

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

*Street address* 629 East Main Street, Richmond, Virginia 23219

*Mailing address* P O Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

L. Preston Bryant, Jr  
Secretary of Natural Resources

David K. Pavlor  
Director

(804) 698-4000  
1-800-592-5482

July 25, 2008

Ms Kathy Headrick  
Strategic Planning, 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

RE Federal consistency review of the Abandonment-Norfolk Southern Railway Company, Big Stone Gap and Appalachia, Wise County, Virginia (Docket No AB-290)

Dear Ms Headrick

On the behalf of the Commonwealth, the Department of Environmental Quality (DEQ) is responsible for reviewing and responding to federal consistency certifications Pursuant to the Coastal Zone Management Act of 1972, as amended, activities both within and outside of the Commonwealth's designated coastal zone with reasonably foreseeable effects on any coastal uses or resources resulting from a Federal agency activity or Federal license or permit activity, must be consistent with Virginia's Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program) (15 CFR Part 930, Subpart D) The VCP consists of a network of programs administered by several agencies

From the information submitted, it appears that the proposed project is located outside of the coastal zone and there are no reasonably foreseeable effects on any coastal uses or resources resulting from the proposed project Therefore, the proposed project is not subject to federal consistency certification requirements However, by copy of this response, we are forwarding your request to the Department of Conservation and Recreation, who may be interested in the proposed railroad abandonment for its rails to trails program

Ms Kathy Headrick  
Docket No AB-290  
Railway Abandonment-Wise County

Thank you for your inquiry We appreciate your interest in complying with Virginia's environmental legislation If you have any further questions please do not hesitate to call me at (804) 698-4488

Sincerely,

A handwritten signature in black ink, appearing to read "Anne N. Pinion".

Anne N Pinion  
EIR Coordinator

Cc Robert Munson, DCR  
with copy of the request

**Headrick, Kathy, C**

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**From:** Simon Monroe [Simon.Monroe@noaa.gov]  
**Sent:** Friday, November 14, 2008 3:35 PM  
**To:** Headrick, Kathy, C  
**Cc:** National Society of Professional Surveyors, Surface Transportation Board, Gilbert Mitchell  
**Subject:** NGS Response, STB Docket AB-290 (SUB NO 300X)

Thank you for sharing your railroad abandonment environmental report for

Big Stone Gap, Wise County, VIRGINIA

Approximately 06 geodetic survey marks may be located in the area described

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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GA1193	1	88/ADJUSTED	N365349	W0824727	B	C 425
GA1191	2	88/ADJUSTED	N365349	W0824727	B	L 319
GA1192	3	88/RESET	N365349	W0824727	B	L 319 RESET 1965
GA1194	1	88/ADJUSTED	N365308	W0824715	A	Z 424
GA1432	2	88/ADJUSTED	N365228	W0824650	C	ROAR RM 1
GA1431	2	88/ADJUSTED	N365229	W0824651	C	ROAR



**Environmental Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R § 1105 8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No AB-290 (Sub-No 300X) was mailed via first class mail on September 22, 2008, to the following parties

Mr Robert R Adkins, Chairman  
Wise County Board of Supervisors  
P O Box 7  
Collinsville, VA 24978

US Fish and Wildlife Service  
Region 5  
300 Westgate Center Drive  
Hadley, MA 01035

Mr John Tull  
Mayor of Appalachia  
106 Cold Spring Drive  
Appalachia, VA 23216

USDA-NRCS  
1606 Santa Rosa Road  
Richmond, VA 23229-5014

Ms Barbara Orndorff  
Mayor of Big Stone Gap  
505 East Fifth Street South  
Big Stone Gap, VA 24219

Mr David S Welch  
Regional Administrator  
US EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103

Virginia Department of Transportation  
1221 East Broad Street  
Richmond, VA 23219

Mr David K Paylor, Director  
Va Dept of Environmental Quality  
629 East Main Street  
P O Box 1105  
Richmond, VA 23218


Mr Kevin Page, Director Rail Programs  
Virginia DRPT  
1313 East Main Street, Suite 300  
Richmond, VA 23219

VA Coastal Resources Management  
629 East Main Street  
Sixth Floor  
Richmond, VA 23219

United States Army Corps of Engineers  
Civil Works Office-Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

National Park Service  
Northeast Region  
U S Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106

National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910



Marcellus C Kirchner

September 22, 2008

## **HISTORIC REPORT**

### **PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT**

#### **PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 1.81 miles of rail line between railroad milepost CV 277 30, near Big Stone Gap, and railroad milepost CV 279.11, near Appalachia, in Wise County, Virginia. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad.

The line proposed for abandonment has been out of service since 1986 when the original owner of the line, CSX Transportation, Inc. (CSXT) rerouted its traffic to NSR's line between Big Stone Gap, VA and Frisco, TN in accordance with the Interstate Commerce Commission's decision in ICC Finance Docket 30963.

Following abandonment, the line segment will be salvaged. A local government consortium has expressed an interest in acquiring this line segment for possible trail use.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached.

## **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** -- The right of way width is predominately 50 feet on each side of the main track centerline. The line passes through rural areas.
- (3) **Photographs** -- Photographs of the two bridges and two tunnels on the line were furnished to the Virginia Department of Historic Resources.
- (4) **Date of Construction of Structures** -- See the Bridge List attached to this report.
- (5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 1.81-mile segment of rail line between Mileposts CV 277.30 (Big Stone Gap) and CV 279.11 (Appalachia) in Wise County, Virginia.

The line proposed for abandonment was originally part of the Louisville and Nashville Railroad (L&N), which was chartered in the State of Kentucky in 1850. This line was opened by the L&N in 1891. The line connected L&N lines near Corbin, KY (via Cumberland Gap) with the lines of NSR's predecessor, Norfolk and Western Railroad Company (N&W), at Norton, VA. Norfolk and Western Railroad Company was sold at foreclosure on September 15, 1896 and conveyed to Norfolk and Western Railway Company on October 1, 1896. Norfolk and Western Railway Company had been incorporated by special act of Virginia approved on January 15, 1896.

In 1880 L&N acquired 55 percent of the stock of the Nashville, Chattanooga & St. Louis Railway Company. In 1881 the L&N and the Central of Georgia Railroad and

Banking Company jointly leased the property of the Georgia Railroad and Banking Company. In 1890 the Nashville, Chattanooga & St. Louis Railway leased the property of the Western & Atlantic Railway Company from the State of Georgia.

The Atlantic Coast Line Railroad Company (ACL) gained control of L&N in 1902 by purchasing all of the L&N stock owned by financier J P Morgan. L&N continued to operate independently, however, with no significant change in management.

The Carolina, Clinchfield & Ohio Railroad Company (CC&O) was the successor to the Charleston, Cincinnati and Chicago Railroad Company, chartered in Tennessee in 1886 and its successor, the Ohio River and Charleston Railroad, which took over the Charleston, Cincinnati and Chicago Railroad property after the depression of 1893. The predecessor companies of the CC&O built some line north and south of Johnson City, Tennessee, but it was not until the period between 1905 and 1909, after the property had been acquired by coal mining entrepreneur George L. Carter, that most of the line in western Virginia was built. Carolina, Clinchfield & Ohio Railway of Virginia was incorporated on March 7, 1908. In 1909, the Carolina, Clinchfield & Ohio Railroad (CC&O), a joint project of the ACL and the Chesapeake & Ohio Railway, completed construction of approximately 23 miles of line east of Norton, VA, through St Paul, VA. Soon thereafter, L&N acquired trackage rights over the N&W to reach the CC&O. These rights brought additional traffic to the L&N line between Big Stone Gap and Norton.

In 1915, the CC&O finished construction of its entire 266-mile railroad. In 1925, the CC&O property was leased to the L&N and the ACL for a period of 999 years.

However, the property continued to be operated independently under the name of Clinchfield Railroad Company until 1982.

L&N acquired the Atlanta, Knoxville and Northern Railway Company in 1902 and in 1957, Nashville, Chattanooga & St Louis Company was merged into the L&N.

In 1967, ACL L&N's parent company, merged with Seaboard Air Line Railroad and formed Seaboard Coast Line Railroad, but the L&N and the Clinchfield continued their separate existence.

In 1971, the Seaboard Coast Line Railroad Company, which had owned 35 percent of the L&N's stock for many years, bought the remainder of the outstanding shares, and the L&N became the wholly-owned subsidiary of Seaboard Coast Line Industries. On December 31, 1982, the corporate entities known as the Louisville & Nashville Railroad Company and the Carolina, Clinchfield and Ohio Railroad Company were officially merged into the Seaboard System Railroad, ending the L&N's 132-year existence under a single name and the Clinchfield's 73-year existence as a railroad serving the coal fields of western Virginia and eastern Tennessee. The Seaboard System Railroad quickly lost its own corporate identity as it and the Chessie System railroads became CSXT in 1986.

In *CSX Transportation, Inc. - Abandonment and Discontinuance of Trackage Rights Exemption - In Wise County, VA*, ICC Docket No. AB-55 (Sub-No. 308X) (ICC Notice of Exemption of May 24, 1989 served June 5, 1989, and dismissed on October 17, 1989), the ICC exempted from regulation CSXT's abandonment of 12.0 miles of railroad line between milepost CV-277 3 at Big Stone Gap, VA and milepost CV-289 3 at Norton, VA. In a decision in that docket, dated August 9, 1989, the ICC accepted

Glamorgan Coal Corporation's late-filed notice of intent to file an Offer of Financial Assistance (OFA) to acquire the Line CSXT initially accepted the OFA from Glamorgan Coal Company but, later, accepted a similar offer to buy the line from Penn Virginia Corporation Penn Virginia created a wholly-owned subsidiary, Powell River Rail Corporation (PRRC), to acquire the line CSXT conveyed the line to PRRC on January 21, 1991 Penn Virginia intended to operate PRRC as a private line, but the line remained dormant until 1999.

NSR acquired the subject line from PRRC and included it in its railroad network in 1999 for use as a second main track parallel to NSR's existing Big Stone Gap-Appalachia, VA and Appalachia-Norton, VA lines and for possible additional industrial access at the common and only stations of Big Stone Gap, VA, Appalachia, VA and Norton, VA

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980 Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No 29430 (Sub-No 1), *Norfolk Southern Corporation – Control – Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, effective September 1, 1998.

Wise County was established in 1856. It was named for Henry A. Wise, who had just become Governor of Virginia. As of the 2000 census, Wise County had 40,123 residents.

Big Stone Gap was incorporated in 1891 and was formerly known as "Three Forks " The name "Big Stone Gap" refers to the valley which has been created on the Appalachia Straight, located between Big Stone Gap and Appalachia. As of the 2000 census, there were 4,856 people residing in Big Stone Gap

The town of Appalachia was incorporated March 1, 1906 It is named for the Appalachian Mountains As of the 2000 census, there were 1,839 people residing in Appalachia.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material on the segment, and it is anticipated that LENOWISCO (Lee-Norton-Wise-Scott Planning District Commission) will acquire title to the real estate (to the extent owned by NSR) in accordance with the National Trails System Act if the STB approves same.

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meets the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment



**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**

– NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

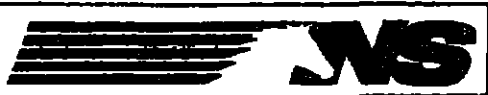
**(9) Follow-Up Information** - Additional information will be provided as appropriate.

**Norfolk Southern Railway Company  
Abandonment in Wise County, VA**

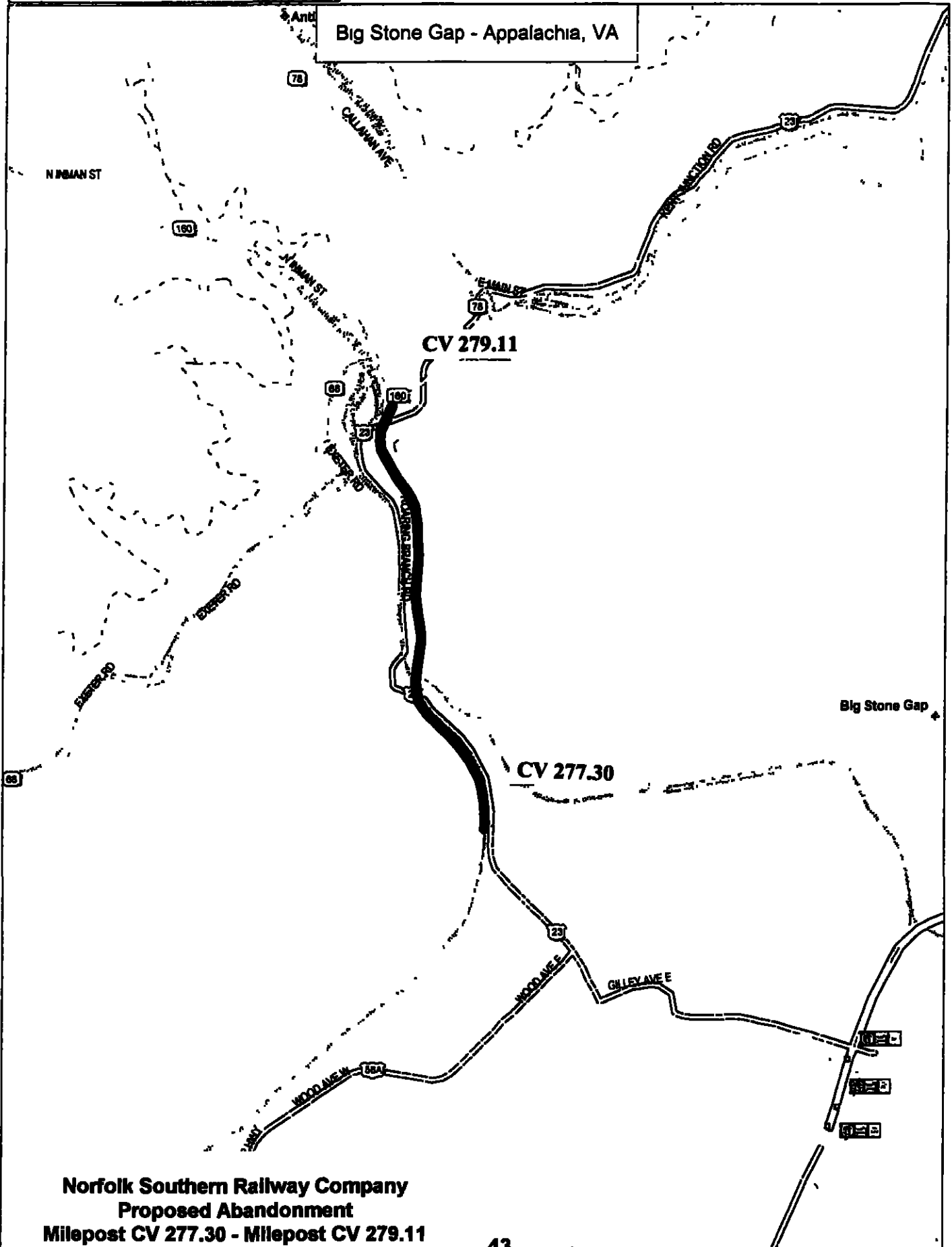
**Bridge List**

**(2 Bridges to remain if right-of-way is conveyed to LENOWISCO)**

<b>Milepost</b>	<b>Bridge Type</b>	<b>Deck Construction</b>	<b>Length In Feet</b>
CV-277.91	Deck Girder	Open	125.00
CV-279.09	Thru-Truss	Open	124.30



Big Stone Gap - Appalachia, VA



Norfolk Southern Railway Company  
Proposed Abandonment  
Milepost CV 277.30 - Milepost CV 279.11  
Wise County, Virginia



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

November 4, 2008

Ms Kathleen Kilpatrick  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

RE. STB Docket No AB-290 (Sub-No 300X), Norfolk Southern Railway  
Company - Abandonment - in Wise County, Virginia

Dear Ms. Kilpatrick.

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 1.81 miles of rail line between railroad mileposts CV 277.30 near Big Stone Gap and CV 279.11 near Appalachia, in Wise County, Virginia. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, a topographical map and photographs of the structures on the line.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at [marc.kirchner@nscorp.com](mailto:marc.kirchner@nscorp.com).

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosures  
cc James R Paschall, Esq

**Historic Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R § 1105 8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No AB-290 (Sub-No. 300X) was mailed via first class mail on November 4, 2008 to

Ms Kathleen Kilpatrick  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', written over a horizontal line.

Marcellus C Kirchner

November 4, 2008



# COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.  
Secretary of Natural Resources

Department of Historic Resources  
2801 Kensington Avenue, Richmond, Virginia 23221-0311

Kathleen S. Kilpatrick  
Director

Tel (804) 367-2323  
Fax (804) 367-2391  
TDD (804) 367-2386  
www.dhr.virginia.gov

## MEMORANDUM

**DATE:** 1 December 2008

**DHR File #** 2008-1822

**TO:** Mr. Marcellus C. Kirchner  
Norfolk Southern Corporation

**FROM:** Marc E. Holma, Architectural Historian (804) 367-2323, Ext. 114  
Office of Review and Compliance

**PROJECT:** Abandonment of 1.81 miles of rail line between RR MPs CV 277 30 and CV 279 11  
Wise County, Virginia

- ☐ This project will have an effect on historic resources. Based on the information provided, the effect will not be adverse.
- ☐ This project will have an adverse effect on historic properties. Further consultation with DHR is needed under Section 106 of the NHPA.
- ☐ Additional information is needed before we will be able to determine the effect of the project on historic resources. Please see attached sheet.
- ☒ No further identification efforts are warranted. No historic properties will be affected by the project. Should unidentified historic properties be discovered during implementation of the project, please notify DHR.
- ☐ We have previously reviewed this project. Attached is a copy of our correspondence.
- ☐ Other (Please see comments below)

### COMMENTS:

Administrative Services  
10 Courthouse Avenue  
Petersburg, VA 23803  
Tel (804) 863-1624  
Fax (804) 862-6196

Capital Region Office  
2801 Kensington Ave  
Richmond, VA 23221  
Tel (804) 367-2323  
Fax (804) 367-2391

Tidewater Region Office  
14415 Old Courthouse Way, 2nd Floor  
Newport News, VA 23608  
Tel (757) 886-2807  
Fax (757) 886-2808

Roanoke Region Office  
1030 Penmar Ave., SE  
Roanoke, VA 24013  
Tel (540) 857-7585  
Fax (540) 857-7588

Northern Region Office  
5357 Main Street  
PO Box 519  
Stephens City, VA 22655  
Tel (540) 868-7031  
Fax (540) 868-7033

# CERTIFICATE OF PUBLICATION

Exhibit 3

**Legal Notice**

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**

Norfolk Southern Railway Company (NSR) gives notice that on or about February 19, 2009, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 1.81 mile line of railroad between milepost CV 277.30 (Big Stone Gap) and milepost CV 279.11 (Appalachia), which traverses through United States Postal Service ZIP Codes 24216 and 24219, in Wise County, Virginia. The proceeding will be docketed as No. AB 290 (Sub No. 300X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions (public use, conditions, or rail banking/trails use) also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)).

Questions regarding offers of financial assistance, public use, or trails use may be directed to the STB's Office of Congressional and Public Services at 202 245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Plaza, Norfolk, VA 23510-8241, (757) 629-2759.

DO NOT WRITE IN THIS BOX

Purchase Order No. \_\_\_\_\_

Date \_\_\_\_\_

Date 1-29-09

I have examined a copy of:

## THE POST

Published at Big Stone Gap, Virginia and I do hereby certify that the notice pasted in the space provided thereon was duly published in the above named newspaper on:

1-29-09

Signed \_\_\_\_\_

*Don Holyfield*

Publisher

Total Cost

\$114.40

This must be signed by the editor, publisher, or an employee having the authority to sign certificate of publication.



**Exhibit 4**

Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**James R. Paschall**  
**Senior General Attorney**

(757) 629-2759

February 3, 2009

Mr Kevin Page, Chief of Rail Transportation  
Virginia Department of Rail and  
Public Transportation  
1313 East Main Street, Suite 300  
Richmond, VA 23219

Regional Director  
National Park Service-Northeast Region  
U S Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106

Ms Judith Williams Jagdmann, Chair  
Virginia State Corporation Commission  
P O Box 1197  
Richmond, VA 23218

Ms Jan Matthews, Associate Director  
U S Dept of the Interior-National Park Service  
Cultural Resources, Room 3126  
1849 C Street, N W  
Washington, DC 20240

U S Department of Agriculture  
Chief of the Forest Service  
Sidney R Yates Federal Building  
1400 Independence Ave , SW  
Washington, DC 20250-0003

United States Department of Defense  
Surface Deployment and Distribution Command  
Transportation Engineering Agency (SDDCTEA)  
Railroads for National Defense Program  
709 Ward Drive, Bldg 1990, Room 2E264  
Scott AFB, IL 62225

Re STB Docket No AB-290 (Sub-No 300X), Norfolk Southern Railway Company –  
Abandonment, in Wise County, Virginia

Ladies and Gentlemen

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about February 19, 2009, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 1.81-mile line of railroad lying between milepost CV 277.30 (Big Stone Gap) and milepost CV 279.11 (Appalachia) in Wise County, Virginia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP kch  
Enclosure